

RICK SNYDER GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF TREASURY LANSING

R. KEVIN CLINTON STATE TREASURER

November 24, 2014

Governor Rick Snyder P.O. Box 30013 Lansing, Michigan 48909

Governor Snyder,

On May 1, 2013, you appointed a Receivership Transition Advisory Board (RTAB) to serve upon the conclusion of Joyce Parker's term as Emergency Manager. This appointment also created a duty for the Board to conduct a formal evaluation of the City's operational and financial progress, noting benchmarks achieved and not yet achieved, including a list of specific recommendations, and potential resources available to the City. This report details information compiled during this evaluation process.

#### Background

As directed in your appointment letter, the Board is fulfilling the responsibilities outlined in the terms of E.M. Order 94. This is being accomplished by the City preparing and submitting for the monthly RTAB meetings a packet containing City Council minutes, requested agenda items, as well as supporting documentation for these agenda items. All City Council resolutions are subject to approval by the Board, which has involved the Board in all municipal matters that the City Council acts upon.

#### Structure of Evaluation

In consultation with the Board members, Treasury staff has developed evaluation criteria designed to gauge certain performance indicators, the degree of continued State oversight, the implementation of best practices, and the City's involvement in future planning. Treasury staff met with then City Administrator George Strand and Contract Controller Tim McCurley on July 8, 2014, and administered the evaluation questionnaire.

# Summary of Findings-Financial Performance and Outlook

During the first year of the RTAB appointment, the City of Ecorse has provided adequate levels of service to its residents. This has been evidenced by the rarity of citizen complaints during public comment portions of Board meetings. Additionally, the City has largely complied with principle EM orders, though exceptions exist and are noted in the "Compliance with Final Emergency Manager Order" section of the attached evaluation questionnaire. Also, the City has operated with a substantial budget surplus, outperforming year one of EM Parker's two-year budget. While audit adjustments are still being made (which may increase expenditures) to finalize FY 2013/14, preliminary figures show revenues and expenditures as follows:

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Fiscal Year	Original EM Budget	Budgeted with	Preliminary Actual-
2013/2014	(General Fund)	Amendments	Unaudited
	, , ,	(General Fund)	(General Fund)
Revenues	\$10,475,054	\$10,748,054	\$11,171,359
Expenditures	\$9,079,797 +\$877,817(Transfers out)	\$10,275,337	\$9,541,684
Surplus	\$877,817.00	\$472,717.00	\$1,647,198.00

Despite this accomplishment, significant concerns exist surrounding the financial future of the City. A repeating annual payment of \$1M to the City resulting from a tax settlement from the City's largest corporate citizen has ceased. During the past fiscal year, the City spent 28.4% of its budget on pension and OPEB contributions. This percentage will rise as the City has recently been notified that its annual required payment to MERS is increasing. The Contract Controller has stated that, absent favorable changes, the City is projected to deviate from the 2014/15 year of EM Parker's mandated budget.

During this current period of review, the Board has requested a 5-year budget from the City, in accord with EM Order 94. The City did generate this multi-year budget and it showed alarming annual deficits beginning in FY 2015/16, which then were calculated to exhaust general fund balance during FY 2016/17. Upon receipt of this projected insolvency, the Board directed the City to submit a balanced 5-year budget. Twice the City has resubmitted the 5-year budget and twice the Board has rejected it; the first time because it effectively eliminated the fire department, and the second time because of unrealistic revenue increases. At the time of this review, no progress has been made toward an acceptable 5-year budget, largely because of the absence of a qualified City Administrator and lack of a financial vision or plan offered by elected city officials.

#### Summary of Findings-Operational Competencies

The City of Ecorse suffers due to a lack of continuity in its operational leadership. Since the appointment of the RTAB, the City Council has hired four different City Administrators. This fact alone has caused disruption in the administration of the City as no administrator has been retained long enough to complete any projects that they initiated. Because the City Administrator is the primary contact to the RTAB according to EM Order 94, turnover in the office of the City Administrator has caused disruptions in information and communication to the Board. The City's greatest need is a qualified, dedicated, and professional City Administrator.

The City Council has taken several actions inconsistent with an understanding of the financial challenges to the City. During the City Council meetings immediately following the release of the initial 5-year budget showing a financial decline to insolvency, the City Council saw fit to reject a \$327,150 CGAP grant for jail and dispatch consolidation. By the City's own calculations, this consolidation effort would have saved the City an additional \$775,000 over the next five years. The Board publically rebuked the City for this action and asked the City Council to reconsider before the CGAP deadline. This time, the City Council resolved to reject the grant by a greater majority. The time to accept this grant has now expired.

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There are other indicators of disorganization. The Board recently learned that the City has simply not implemented a reduced pension multiplier or increased retires copays, despite being awarded these cost saving measures during a provious arbitration. Personality conflicts within City government have increased.

Conclusion

Currently, the City of Ecorse is solvent. However, the financial flature of the City is uncertain. As of the writing of this report, the City does not have a RTAB approved City Administrator. Unless the City is able to appreciate and respond to the projected future shortfalls, the City will again find itself unable to honor all of its liabilities. This Board is committed to assist the City, however if the projected financials become a reality, a greater degree of State intervention may be required.

Sincerely,

Ecorse Receivership Transition Advisory Board

Edward Koryzno, Chair

Joyce Parker, Vice Chair

Rob Boyitz, Secretary



ICK SNYDER GOVERNOR

R. KEVIN CLINTON STATE TREASURER

# Receivership Transition Advisory Board Community Evaluation Criteria

Community: Ecorse, MI

Date of RTAB Appointment: 5/1/2013

**Review Date: 7/8/2014** 

Date of RTAB Review Approval: 11/18/2014

#### EXPLANATION OF CRITERIA

The Governor's RTAB appointment letter dated April 30, 2013 mandates that the Board "conduct a formal annual evaluation of the City's operational and financial progress by identifying strengths, weaknesses, benchmarks achieved, and benchmarks not yet achieved, including a list of specific recommendations, potential resources available to assist City officials, and any other constructive feedback that informs City officials, residents, and other stakeholders concerning how the City can promote and ensure its long-term sustainability."

The categories the community has been evaluated upon include:

- Annual Performance Indicators: Identification and measurement of the progress made by a local unit on specific criteria over the past evaluation period.
- State Oversight: Identification and measurement of the level of State oversight needed to be exercised by the RTAB to effectively monitor and guide local operations over the past evaluation period.
- Best Practices: Identification and measurement of the degree by which a local unit has implemented practices and procedures to improve its financial and operational conditions going forward.
- Future Planning: Identification and evaluation of those items that a local unit has implemented to improve its financial and operational conditions over a long-term period of time.

Once approved by the RTAB, the report will be transmitted to the Governor's Office.

SECTION 1. Annual Performance	e Indi	icato	rs
Identification and measurement of the procriterion over the past evaluation period.	gress 1	nade	by a local unit on specific
Submission of an Annual Audit			
Submission of a timely and unqualified au strength and practices of a local unit.	dit rep	ort is	an indication of the financial
	Yes	No	<b>Optional Comments</b>
Has an annual audit been submitted?	$\boxtimes$		
Is the submission timely?	$\boxtimes$		
Is the audit report unqualified?	$\boxtimes$		
Compliance with a Deficit Elimination	Plan		
A requirement for a local unit to file an ap could be reflective of financial weakness y	prove vithin	d Def the lo	ficit Elimination Plan (DEP) cal unit.
	Yes	No	Optional Comments
Has the submission of a DEP been required?		$\boxtimes$	
If required, has a DEP been certified by the Department of Treasury?			N/A
Is the community in compliance with DEP provisions?			
Pension/OPEB Liabilities			
Pension and OPEB liabilities can be a tre local unit. The level of liabilities a local weakness.			
	Yes	No	Optional Comments
Are the overall funding levels for pension and OPEB liabilities stable or increasing?			Annual pension expenses are increasing
Is the local unit making its required pension and OPEB contributions?			
What is the ratio between pension and OPEB contributions and overall expenditures?	Pens expe		d OPEB compose 28.4% of total
Are employees paying any contributions to pension or OPEB costs?			

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Compliance with the Two-Year Budget			
Adoption and compliance with a two-year 436 of 2012. The level of compliance will unit in reestablishing full local control.	_	-	
	Yes	No	<b>Optional Comments</b>
Is the local unit meeting its two-year budget projections?		$\boxtimes$	The City is projected to negatively deviate from year two (FY 2015) of EM Parker's budget.
If no, are there documented reasons for not meeting projections?			The Department of Public Works is significantly over budget.
How many budget amendments have been required?			nendments; one in FY 13, four in FY to date during FY 2015.
Are the reasons for any budget amendments justified?			Additional revenues and unforeseen but justified expenditures have led to several budget amendments.
Reduction of Debt Levels/Debt Service-	to-Ex	pendi	ture Ratios
Generally, declining debt levels reflect a j	iscally	stroi	ng local unit.
	Yes	No	Optional Comments
Is the overall debt level of the local unit declining?			
Is the local unit making its required debt payments?			
Has the local unit assumed any new debt?			Most recent debt raised capital for a much needed sewer project.
Bargaining Unit Issues			
Multiple grievances, arbitration cases, an unit operational issues and a sign of unpr			
	Yes	No	Optional Comments
Are the numbers of labor grievances, especially arbitration cases, declining?			
Are the outcomes of these actions generally favorable to the local unit?			
Is the accumulated cost of these issues increasing?			

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Litigation			
Extensive litigation and high litigation co. Minimizing litigation costs while impleme ensuring proper insurance coverage will s	nting i	risk m	anagement programs and
	Yes	No	Optional Comments
Is the total number of legal actions against the community declining?		$\boxtimes$	
Are the financial impacts of litigation declining?			
Is the local unit implementing measures to minimize litigation?			The City has interest in the use of police body cameras to deter litigation.
Achievement of Identified Goals			
Creation, adoption and implementation of unit to achieve in order to improve finance which a local unit achieves its goals is a control.	ial an	d oper	ational conditions. The extent to
	Yes	No	Optional Comments
Has the local governing body identified and adopted any specific goals that it can pursue?			EM Parker oversaw the adoption of a Strategic Plan.
Is the local unit making progress on accomplishing these goals?			
Is the local unit prioritizing the accomplishment of these goals?			
Has the local unit established any benchmarks (either internally developed or by referencing external sources) to evaluate its operational effectiveness?			
Organizational Stability			
Given the nature of communities in fiscal reestablishing local control. Evaluation of			
	Yes	No	Optional Comments
Is there any apparent contention among the members of the governing body that is impeding the resolution of issues, causing issues to be postponed, causing issues to be readdressed or otherwise generating a public perception of an ineffective governing body?			The hiring process for City Administrator, as well as the payment of contested invoices have appeared contentious.
Does the local unit employ a professional Chief Administrative Officer?			
Is there any apparent strife between the local elected body and the Chief Administrative Officer?			The City has had a strained relationship with the four city managers hired since EM Parker's departure.

Has there been more than 50% turnover on the local elected body in the most recent election?		$\boxtimes$	·
Has the Chief Administrative Officer served in the local unit for more than two years?			
Has the local unit reduced its total workforce by more than 5% since the last evaluation?			N/A
Operational Effectiveness			
Efficient and effective service provision is fiscal and operational conditions. Evaluatin judging the progress of a local unit.			
	Yes	No	Optional Comments
Has the RTAB received evidence of documented cases of basic services not being provided in a timely manner?			
documented cases of basic services not			
documented cases of basic services not being provided in a timely manner?  Has the RTAB received evidence of documented cases of significant citizen			The City is currently taking action to make improvements on its sewage system and the City Hall, as well as other capital improvements.

## General Observations/Comments Regarding Annual Performance Indicators

The City has been unable to make operational and financial progress in a comprehensive manner.

#### **Recommended Actions**

City Officials need to implement cost savings regarding pension multiplier and co-pay reductions. City officials need to adhere to adopted budgets.

SECTION 2. State Oversight			
Identification and measurement of the level by the RTAB to effectively monitor and g period.			
Compliance with Final Emergency Mar	ager	Orde	
A departing Emergency Manager will leave that will specify certain requirements and back to local control.			
	Yes	No	Optional Comments
Develop five-year Operating and Capital budgets		$\boxtimes$	
Establish policies and procedures regarding the rules of operation for the City Council			
Annually review an inventory of city assets		$\boxtimes$	
Review business licenses on an annual basis	$\boxtimes$		
Review insurance levels and coverage on an annual basis			
Review the status of tax collections and outstanding property taxes owed to the City and report findings to the Board	$\boxtimes$		
Review election precinct sites and approve expenses associated with elections	$\boxtimes$		
Degree of RTAB Oversight			
The degree by which a RTAB must exercise indicative of its progress toward full local RTAB to make "difficult decisions."			
	Yes	No	Optional Comments
Has the local unit been providing timely and complete information to properly-made requests from the RTAB?			With exceptions, the City has responded to RTAB requests.
Has the RTAB overruled local decisions?	×		Many local resolutions have been declined by the Board. Some of these matters were later approved after further information was presented.
Has the RTAB rejected local proposals or requests for action?			Yes. Several local proposals have been rejected, including the purchase of real property and equipment.

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Level of Effort			
What level of effort has the City brought t an indication of operational efficiency.	o bear	in pu	rsuit of its goals? This could be
	Yes	No	Optional Comments
Is the local unit working cooperatively with the RTAB to accomplish identified priorities?	$\boxtimes$		
Has the local unit refused to or failed to take actions required by state law or Emergency Manager Order?		$\boxtimes$	
Are there special circumstances preventing the local unit from accomplishing particular priorities?			
Does the local unit lack resources necessary to accomplish particular priorities?			The City needs a qualified City Administrator to be employed by the City for at least a year.

# **General Observations/Comments Regarding Annual Performance Indicators**

Turnover in City Administrator position has resulted in operational dysfunction.

## **Recommended Actions**

City officials need to hire a qualified permanent City Administrator.

SECTION 3. Best Practices			
Identification and measurement of the depractices and procedures to improve its forward.	gree b finan	y wh	ich a local unit has implemented nd operational conditions going
Adoption of Written Financial Policies			
The Governor's orders currently in effect practices, "as adopted by the financial	requir officer	e the s' ass	implementation of best financial ociation."
	Yes	No	Optional Comments
Has the local unit adopted written financial policies?		$\boxtimes$	
Is the local unit complying with all required procedures as set forth by the Michigan Department of Treasury Accounting Procedures Manual for Local Units of Government in Michigan?			
Has the local unit implemented the recommendations for best practices, as set forth by the Government Officers Finance Association's "Best Practices and Advisories?"			
Adequate Risk Management and Insur	ance (	Cover	age
Having an active risk management progr decrease the potential exposure and liabi	am and lity of	d adeo a loco	puate insurance coverage will ul unit.
	Yes	No	Optional Comments
Has the local unit implemented an active risk management program?			
Does the local unit have adequate insurance coverage and loss reserves in place?			
Is the local unit placing litigation related losses (judgments or settlements) on its tax rolls?			
What are the current losses being experienced by the local unit?	Law	enfor iderab	cement litigation has been a le financial burden on the City.

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Establishment of Undesignated Fund B	alance	Leve	els
A local unit should establish a minimum l be reserved annually.	evel of	unde.	signated fund balance that will
	Yes	No	Optional Comments
Has the local unit established a minimum level of undesignated fund balance that will be reserved annually?		$\boxtimes$	
Has the local unit adopted a written policy to set this fund balance level?			
Utilization of Cash Flow Projections			
A multi-year cash flow projection will be financial strength of a local unit.	benefi	cial ir	n determining the overall
	Yes	No	Optional Comments
Has the local unit developed a monthly multi-year cash flow projection?			
Has the local unit taken any steps to address any concerns identified by the cash flow projection?		$\boxtimes$	
Development of Written Policies			
The development of written policies and and employee job descriptions, will assistand consistency.	proced t a loc	lures, al uni	including an employee handbook t in achieving operational stability
	Yes	No	Optional Comments
Does the local unit have any adopted written policies and procedures?			
Are there any notable omissions in the local units' list of written policies and procedures?			N/A
Do employee job descriptions exist?			
If yes, are the job descriptions periodically reviewed and updated?			

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Does the local unit have an employee			
handbook?			
Is the handbook periodically reviewed and updated?			
If the local unit does not possess any of the above mentioned items, is it a priority for them to develop these items?			
Training			
Training objectives should be implemented within a local unit. Training objectives can departmental goals and objectives, howeved mandatory financial and managerial train allocated to adequately provide needed training per individual per fiscal year should be re	n be fo er, the ing fo aining	cusea order r elec A mi	by the development of sissued by the Governor require ted officials. Resources should be nimum number of training hours
	Yes	No	Optional Comments
Does the local unit have a training policy?			
If yes, does the policy apply to both elected and appointed officials and employees?			
Is the development and implementation of annual training goals required?			
Are specific types or frequency of training		$\boxtimes$	
	ļ ·		
activities required?  Consolidation/Collaboration Efforts			
activities required?  Consolidation/Collaboration Efforts  Efforts to consolidate services and/or coll	l labora ration	te on ally a	service delivery with other units nd financially.
activities required?  Consolidation/Collaboration Efforts	labora ration Yes	te on ally a	service delivery with other units nd financially. Optional Comments
activities required?  Consolidation/Collaboration Efforts  Efforts to consolidate services and/or coll of government can be both beneficial ope  Is the local unit pursuing service	ration	ally a	nd financially.
activities required?  Consolidation/Collaboration Efforts  Efforts to consolidate services and/or coll of government can be both beneficial ope  Is the local unit pursuing service consolidation/collaboration?  Has the local unit made the active or diligent pursuance of these efforts a	ration	No 🖂	nd financially.
activities required?  Consolidation/Collaboration Efforts  Efforts to consolidate services and/or coll of government can be both beneficial ope  Is the local unit pursuing service consolidation/collaboration?  Has the local unit made the active or diligent pursuance of these efforts a priority?  Has the local unit made consolidation/collaboration efforts a	ration	No 🖂	nd financially.
activities required?  Consolidation/Collaboration Efforts  Efforts to consolidate services and/or coll of government can be both beneficial ope  Is the local unit pursuing service consolidation/collaboration?  Has the local unit made the active or diligent pursuance of these efforts a priority?  Has the local unit made consolidation/collaboration efforts a priority?  Are the efforts yielding operational	ration	No 🖂	nd financially.
activities required?  Consolidation/Collaboration Efforts  Efforts to consolidate services and/or coll of government can be both beneficial ope  Is the local unit pursuing service consolidation/collaboration?  Has the local unit made the active or diligent pursuance of these efforts a priority?  Has the local unit made consolidation/collaboration efforts a priority?	ration	No 🖂	nd financially.

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Development of Elected Body Goals and	l Ohia	otivo			
The elected body of a local unit should create and implement reasonable operational goals and objectives and a basic timeframe by which said goals and objectives will be					
implemented. The overall objective is to in efficiency within the local unit and to deve	nprove	e over	all management and operational		
	Yes	No	Optional Comments		
Has the local elected body adopted annual goals and objectives?					
Do the adopted goals and objectives contain timetables for implementation?					
Are the adopted goals and objectives periodically reviewed and reprioritized?					
Is implementation of the adopted goals and objectives a priority?					
Development of Managerial and Depart	ment	al Go	als and Objectives		
All departments, including the Chief Admi be required to create and implement reason a basic timeframe by which said goals and objective is to improve overall management community at the departmental level and t	nable l objec nt and	oper ctives oper	ational goals and objectives and will be implemented. The overall ational efficiency within the		
	Yes	No	Optional Comments		
Have the Chief Administrative Officer and department heads developed and adopted annual goals and objectives?		$\boxtimes$			
Do the adopted goals and objectives contain timetables for implementation?		$\boxtimes$			
Are the adopted goals and objectives periodically reviewed and reprioritized?					
Is implementation of the adopted goals and objectives a priority?					

# **General Observations/Comments Regarding Annual Performance Indicators**

Lack of a Human Resource Director has created problems.

#### **Recommended Actions**

City officials need to implement policies & procedures regarding risk management. City officials need to evaluate service sharing opportunities and pursue them if economically feasible. City officials need to participate in a goal setting exercise and adopt resulting goals.

SECTION 4. Future Planning			
Identification and evaluation of those item	s that	a loca	I unit has implemented to
improve its financial and operational cond	itions	over 1	he long-term.
Utilization of a Capital Improvements P	lan		
A six-year capital improvements plan (CII Michigan Planning Enabling Act (PA 33 of needed capital and physical improvements allocate available resources for identified	of 2008 s and b	8). The	e use of a CIP can identify
	Yes	No	Optional Comments
Has the local unit adopted a Capital Improvements Plan?			
Are department heads involved in the CIP development process?			Efforts underway to develop a CIP.
Does the CIP conform to the provisions of the Planning Enabling Act?			
Does the local unit of government utilize the CIP in its annual budget process?		$\boxtimes$	
Pursuance of Tax Base Enhancement			
True recovery of communities in financial			
development and community revitalization local tax base.	1 effor	ts tha	t result in an enhancement to the
1 -	1 effor Yes	ts tha	t result in an enhancement to the  Optional Comments
1 -			
local tax base.		No	
Is the local tax base is growing?  Is the local unit actively engaged in or supportive of economic development		No 🖂	
Is the local tax base is growing?  Is the local unit actively engaged in or supportive of economic development efforts?	Yes  Coption option	No	Optional Comments  local unit and indicative of the nulti-year budget is recommended by of the LUG. A multi-year
Is the local tax base is growing?  Is the local unit actively engaged in or supportive of economic development efforts?  Budget Forecasting  Adoption of an annual budget is a key fun allocation of available resources. The add to produce a longer term view of the finance.	Yes  Coption option	No	Optional Comments  local unit and indicative of the nulti-year budget is recommended by of the LUG. A multi-year
Is the local tax base is growing? Is the local unit actively engaged in or supportive of economic development efforts?  Budget Forecasting  Adoption of an annual budget is a key fun allocation of available resources. The add to produce a longer term view of the finance.	Yes  Ction option acial saded and	No	Optional Comments  local unit and indicative of the nulti-year budget is recommended by of the LUG. A multi-year mal.
Is the local tax base is growing?  Is the local unit actively engaged in or supportive of economic development efforts?  Budget Forecasting  Adoption of an annual budget is a key fun allocation of available resources. The add to produce a longer term view of the finar budget of 3-5 years in length is recommendated.  Has the local unit adopted a multi-year budget beyond the required two-year	Yes  Ction option acial saded and	No	Optional Comments  local unit and indicative of the nulti-year budget is recommended by of the LUG. A multi-year mal.  Optional Comments
Is the local tax base is growing?  Is the local unit actively engaged in or supportive of economic development efforts?  Budget Forecasting  Adoption of an annual budget is a key fun allocation of available resources. The add to produce a longer term view of the finar budget of 3-5 years in length is recommendately beyond the required two-year budget?  Is the local unit adopting its budget in a	Yes  ction option acial saded as Yes	No	Optional Comments  local unit and indicative of the nulti-year budget is recommended by of the LUG. A multi-year mal.  Optional Comments

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#### Adoption of Model Charter Provisions The orders issued by the Governor call for the adoption of model charter provisions that are ".... In the City's best financial interests," Some specific charter amendments could be identified in a Final EM Order. Others may need to be independently identified. A process to propose and move forward with adoption also needs to be identified and pursued by the local unit. Yus No: Optional Comments. Has the Governor required a local unit to 図: adopt model charter provisions? If no, has the local unit independently X initiated a charter revision process? Has a determination been made of what $\boxtimes$ charter amendments need to be considered? Has the local unit moved forward with $\boxtimes$ adoption? Have any proposed amendments been 図 adopted? General Observations/Comments Regarding Annual Performance Indicators 5-year budget adoption process has been inadequate,

#### Recommended Actions

City officials need to adhere to the City's strategic plan. City officials need to adopt a realistic 5-year budget:

#### Final Recommendations

The City needs to hire a qualified permanent City Administrator who can work cooperatively with the Mayor and City Council to prioritize the significant issues the City faces and develop action plans to address the City's organizational and financial challenges.

Ecouse Receivership Transition Advisory Board

Edward Koryzno, Chair

loyce Parker, Vice Chair

Rob Bovitz, Secretary

11/24/2014